

**REMARKS**

Claim 1 is amended to specify a method comprising rendering media content in a media player, and generating an automatic request for metadata from a metadata provider in response to the media content being rendered in the media player, said metadata to be associated with the rendered media content.

Claim 13 is amended to specify a method of managing a plurality of metadata states comprising metadata automatically matched to media content in response to the media content being rendered by a media player.

Claim 26 is amended to specify a system comprising metadata automatically matched to media content in response to the media content being rendered by a media player.

Claim 33 is amended to specify a method comprising rendering media content in a media player, and receiving metadata automatically matched to the rendered media content from a metadata provider in response to the media content being rendered in the media player.

Claim 43 is amended to specify a user interface wherein a metadata item is automatically matched to media content in response to the media content being rendered by a media player.

Support for the amendments to claims 1, 13, 26, 33, and 43 may be found in the specification, paragraphs [0028] and [0033].

Claims 1-50 are currently pending. The Applicants respectfully request reconsideration and allowance of the claims.

I. 35 U.S.C. 102(e)

The Examiner rejected claims 1-5, 7, 9, 11-15, 17-19, 23-28, 43, 44, 47, and 50 as being disclosed by Berkun et al., US Publication No. 2002/0103920.

Applicants submit that each and every element as set forth in the recited claims, as amended, is not found in the Berkun et al. reference. Thus, the cited reference does not anticipate the claims. Reconsideration is therefore respectfully requested of the

rejection of claims 1-5, 7, 9, 11-15, 17-19, 23-28, 43, 44, 47, and 50 under 35 U.S.C. 102(e) as being disclosed by Berkun et al.

A. Claims 1-5, 7, 9, and 11-12

Claim 1 is directed to a method for processing data in a media player, said method comprising rendering media content in the media player, generating an automatic request for metadata from a metadata provider in response to the media content being rendered in the media player, said requested metadata to be associated with the rendered media content; receiving return metadata from the metadata provider in response to the automatically generated request for metadata; and receiving a trustworthiness rating corresponding to the return metadata.

In contrast, Berkun et al., U.S. Pub. No. 2002/0103920, disclose a system and method for locating and retrieving media files and data related to media files on a computer network via a search system utilizing metadata. See paragraph [0023]. The media files and related metadata are searched for and retrieved by reading, extracting, enhancing, and grouping metadata describing the contents of the files. See paragraph [0030]. The metadata then may be used to search and retrieve the target media file. Once the media file is located by searching related metadata, the "ultimate result is the playing of the [media file] on the user's computer system." See paragraphs [0031] - [0033].

Berkun et al. do not disclose a method wherein a request for metadata associated with media content being rendered by the media player is automatically generated in response to the media content being rendered in the media player. Moreover, Berkun et al. teach away from this aspect of the claimed invention because the desired media file must first be located before it is played on the user's computer system. Berkun et al. merely disclose a method to locate a media file on a network by using metadata related to the media file to search for the media file. The "ultimate result" or goal of the method is to play or render the media file on the user's computer system. Although Berkun et al. discuss extracting metadata, they do so in an entirely different context. In the cited reference, Berkun et al. search for a desired media file, based on, for example, user-specified search criteria, and extract metadata based on

the search results to refine the search for the desired media file. See paragraphs [0046] to [0048]. In contrast, the Applicants disclose a method where metadata is obtained for media content is already located and is being played, or rendered, in a user's media player. The metadata is automatically requested to enhance the user's experience in the media content being rendered, not to locate the media content on the network as taught by Berkun et al.

The method specified in claim 1 is not anticipated by Berkun et al. because the reference does not disclose all the elements of Claim 1, as amended.

Claims 2-5, 7, 9, and 11-12 include the requirements of claim 1 and are patentable for the same reasons as those set forth for claim 1 and by reason of the further requirements which they specify.

For the above reasons, the Applicants respectfully request withdrawal of the rejection of claims 1-5, 7, 9, and 11-12 under 35 U.S.C. §102(e).

B. Claims 13-15, 17-19, 23-25

Claim 13, as amended, is directed to a method of managing a plurality of metadata states, each of said metadata states comprising one or more items of metadata automatically matched to media content in response to the media content being rendered by a media player, said method comprising receiving a request from a user to replace one metadata state with another metadata state; and replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items associated with the other metadata state in response to the received request.

Berkun et al., U.S. Pub. No. 2002/0103920, as described above, disclose a system and method of using metadata to search for a media file on a network for the ultimate goal of playing or rendering the located media file on a user's computer.

Berkun et al. do not disclose a method wherein a metadata state comprising metadata that is automatically matched to media content in response to the media content being rendered by a media player is replaced with another metadata state.

The method specified in claim 13 is not anticipated by Berkun et al. because the reference does not disclose all the elements of Claim 13, as amended.

Claims 12-15, 17-19, and 23-25 include the requirements of claim 13 and are patentable for the same reasons as those set forth for claim 13 and by reason of the further requirements which they specify.

For the above reasons, the Applicants respectfully request withdrawal of the rejection of claims 13-15, 17-19, and 23-25 under 35 U.S.C. §102(e).

C. Claims 26-28

Claim 26, as amended, is directed to a system comprising one or more computer-readable media having computer-executable components for managing one or more items of metadata associated with media content being rendered by a media player, said components comprising a communications component for receiving metadata automatically matched to the media content in response to the media content being rendered, said communications component further receiving a trustworthiness rating associated with the received metadata; and an authoring module for selectively applying the received metadata to the media content based on a trustworthiness rating received via the communications component.

Berkun et al., U.S. Pub. No. 2002/0103920, as described above, disclose a system and method of using metadata to search for a media file on a network for the ultimate goal of playing or rendering the located media file on a user's computer.

Berkun et al. do not disclose a system wherein comprising computer-executable components for managing one or more items of metadata associated with media content being rendered by a media player comprising a communications component that receives metadata that is automatically matched to the media content in response to the media content being rendered. Thus, the presently claimed invention unobtrusively matches metadata being rendered by the media player without requiring user interaction. The method specified in claim 26 is not anticipated by Berkun et al. because the reference does not disclose all the elements of Claim 26, as amended.

Claims 27-28 include the requirements of claim 26 and are patentable for the same reasons as those set forth for claim 26 and by reason of the further requirements which they specify.

For the above reasons, the Applicants respectfully request withdrawal of the rejection of claims 26-28 under 35 U.S.C. §102(e).

D. Claims 43, 44, 47, and 50

Claim 43, as amended, is directed to a user interface enabling a user to select one of a plurality of values associated with a metadata item, said metadata item being automatically matched to media content in response to the media content being rendered by a media player, said user interface comprising one or more data fields, each of said data fields displaying a metadata value associated with the metadata item; a selection field for receiving a command from a user, said command selecting one or more of the metadata values from the data fields for association with the metadata item and storage with the media content; and a query field for receiving a search term from the user, said search term describing the media content and enabling determination of another metadata value relevant to the media item based on the received search term.

Berkun et al., U.S. Pub. No. 2002/0103920, as described above, disclose a system and method of using metadata to search for a media file on a network for the ultimate goal of playing or rendering the located media file on a user's computer.

Berkun et al. do not disclose a user interface enabling a user to select one of a plurality of values associated with a metadata item, said metadata item being automatically matched to media content in response to the media content being rendered by a media player. The user interface specified in claim 43 is not anticipated by Berkun et al. because the reference does not disclose all the elements of Claim 43, as amended.

Claims 44, 47, and 50 include the requirements of claim 43 and are patentable for the same reasons as those set forth for claim 43 and by reason of the further requirements which they specify.

For the above reasons, the Applicants respectfully request withdrawal of the rejection of claims 43, 44, 47, and 50 under 35 U.S.C. §102(e).

II. 35 U.S.C. 103(a)

For claimed subject matter to be *prima facie* obvious under 35 U.S.C. §103 in view of prior art, the prior art references must individually or in combination disclose or suggest each of the requirements of the claim. The references must also suggest or provide a motivation to one skilled in the art to modify the cited references or combine their teachings. Finally, one skilled in the art, upon reading the prior art references, must have a reasonable expectation of success in modifying or combining the references. MPEP §§ 2143-2143.03.

A. Claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49

The Examiner rejected claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49 as being unpatentable over Berkun et al., US Publication No. 2002/0103920, under 35 U.S.C. 103(a).

Applicants submit that each and every element as set forth in the recited claims, as amended, is not found in the Berkun et al. reference.

Claims 6, 8, and 10 depend from claim 1, which, as discussed above, requires that a request for metadata associated with media content being rendered by the media player is automatically generated in response to the media content being rendered by a media player.

Claim 16 depends from claim 13, which, as discussed above, requires a metadata state automatically matched to media content in response to the media content being rendered by a media player is replaced with another metadata state.

Claim 29 depends from claim 26, which, as discussed above, requires computer-executable components for managing one or more items of metadata automatically matched to media content in response to the media content being rendered by a media player.

Claim 33, as amended, is directed to a method of updating metadata in a computer system having a user interface including a display and being responsive to a user interface selection device, said method comprising rendering media content by a media player; receiving metadata automatically matched to the rendered media content from a metadata provider in response to the media content being rendered in the media

player; displaying the received metadata to the user on the display; receiving a selection request from the user via the user interface selection device, said selection request specifying acceptance or rejection of the displayed metadata; and performing an action on the displayed metadata in response to the received selection request.

Berkun et al. do not disclose a method of updating metadata in a computer system having a user interface including a display and being responsive to a user interface selection device, wherein the method comprises rendering media content by a media player and receiving metadata automatically matched to the rendered media content from a metadata provider in response to the media content being rendered in the media player.

Claims 34 and 36-42 depend from claim 33 and specify further requirements.

Claims 45-46 and 48-49 depend from claim 43, which, as discussed above, requires a user interface enabling a user to select one of a plurality of values associated with a metadata item, said metadata item being automatically matched to media content in response to the media content being rendered by a media player.

Berkun et al., as described above and in Section I, do not disclose or suggest each of the requirements of claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49. Because all of the elements are not disclosed or suggested, the claims, as amended, are not obvious in light of Berkun et al. For the above reasons, and for the reasons provided above in Section I, the Applicants respectfully request withdrawal of the rejection of claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49 under 35 U.S.C. §103(a).

B. Claims 20-22, 30-32, and 35

The Examiner rejected claims 20-22, 30-32, and 35 as being unpatentable over Berkun et al., US Publication No. 2002/0103920, further in view of Senator et al., U.S. Pat. No. 5,761,677, under 35 U.S.C. 103(a).

Applicants submit that each and every element as set forth in the recited claims, as amended, is not found in the Berkun et al. or Senator et al. references.

Claims 20-22 depend from claim 13, which is described above in detail.

Neither Berkun et al. nor Senator et al. disclose or suggest a method wherein a metadata state comprising one or more items of metadata is automatically matched to media content in response to the media content being rendered by a media player is replaced with another metadata state.

Claims 30-32 depend from claim 26, which is described above in detail. Neither Berkun et al. nor Senator et al. disclose or suggest a system wherein comprising a communications component for receiving metadata automatically matched to the media content in response to the media content being rendered.

Claim 35 depends from claim 33, which is described above in detail. Neither Berkun et al. nor Senator et al. disclose or suggest a method of updating metadata in a computer system having a user interface including a display and being responsive to a user interface selection device, wherein the method comprises receiving metadata automatically matched to the rendered media content from a metadata provider in response to the media content being rendered in the media player.

Because all of the elements of claims 20-22, 30-32, and 35 are not disclosed or suggested, the claims, as amended, are not obvious in light of Berkun et al., further in view of Senator et al. For the above reasons, and for the reasons provided above in Section I, the Applicants respectfully request withdrawal of the rejection of claims 20-22, 30-32, and 35 under 35 U.S.C. §103(a).

In view of the foregoing, favorable reconsideration and allowance of claims 1-50 is requested. The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Please apply any charges or overpayment to deposit account 19-1345.

Respectfully submitted,

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